

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2015-CP-32-_____

Helen C. Vencill,

Plaintiff,

vs.

HCR ManorCare, Inc.; and
Lexington Rehabilitation and
Nursing Center-Lexington, SC, LLC;
Defendants.

2015CP3204013

SUMMONS

[Jury Trial Demanded]
[Nursing Home Negligence]

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber, at Whetstone Perkins & Fulda, 601 Devine Street (29201), Post Office Box 8086, Columbia, South Carolina 29202, within thirty (30) days after the service hereof, exclusive of the date of such service, and if you fail to Answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court that a judgment by default be rendered against you for the relief demanded in the Complaint.

WHETSTONE PERKINS & FULDA, LLC

BY:

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ATTORNEY FOR THE PLAINTIFFS

Columbia, South Carolina

November 18, 2015

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Helen C. Vencill,

Plaintiff,

vs.

HCR ManorCare, Inc.; and Lexington
Rehabilitation and Nursing Center-
Lexington SC, LLC;

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

C.A. No. _____

2015CP3204013

COMPLAINT

[NURSING HOME NEGLIGENCE]

[JURY TRIAL DEMANDED]

TO THE DEFENDANTS ABOVE-NAMED:

The Plaintiff, complaining of the defendants herein, respectfully alleges as follows:

PARTIES

1. The Plaintiff, Helen C. Vencill, is a resident and citizen of Lexington County, South Carolina.

2. The Defendant HCR ManorCare, Inc. is a for-profit corporation, organized and existing under the laws of the state of Delaware. Plaintiff is informed and believes that this Defendant owns and operates Lexington Rehabilitation and Nursing Center-Lexington SC, LLC which, at all relevant times, was operating and doing business in Lexington County, South Carolina.

3. The Defendant Lexington Rehabilitation and Nursing Center-Lexington, SC, LLC is a for-profit corporation, organized and existing under the laws of the state of Delaware and, at all times relevant hereto, was operating and doing business in Lexington County, South Carolina as Heartland of Lexington Rehabilitation and Nursing Center.

4. The Defendants are collectively referred to hereafter as "Heartland."

informed and believes that Heartland did not make an appointment with a wound care specialist for Ms. Vencill until June 27, 2014 for her to be seen on July 1, 2014.

12. Ms. Vencill was sent for her initial appointment to the Advanced Wound Care Center on July 1, 2014. Advanced Wound Care Center sent handwritten orders back to Heartland with Ms. Vencill. The Advanced Wound Care Center orders for Ms. Vencill's care were not complied with by Heartland and do not even appear in Mrs. Vencill's Heartland records.

13. Ms. Vencill was discharged from Heartland on July 16, 2014. Plaintiff is informed and believes that at no time from June 12, 2014 through her discharge on July 16, 2014, did any Heartland facility doctor, nurse practitioner, physician's assistant, or wound care nurse examine Ms. Vencill's severe burns.

14. Plaintiff is further informed and believes Heartland failed to investigate and respond to Ms. Vencill's burn incident. There were no statements taken by Heartland from witnesses regarding the burns and the incident was never reported to the South Carolina Department of Health and Environmental Control or any South Carolina State Agency.

15. Plaintiff's burn wounds did not heal until approximately December 31, 2014, during which time she suffered tremendously. Plaintiff has permanent scarring as a result of her burn injuries.

FOR A FIRST CAUSE OF ACTION
(Medical Malpractice)

16. The Plaintiff is informed and believes that Defendants HCR ManorCare, Inc. and Lexington Rehabilitation and Nursing Center-Lexington SC, LLC and other Heartland caregivers failed to exercise that degree of care and skill ordinarily exercised by healthcare providers under

the same or similar circumstances and like surrounding conditions (the “standard of care”), in the following respects:

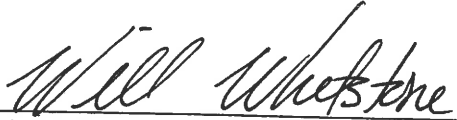
- a. In failing to ensure that a physician, nurse practitioner, and/or physician’s assistant examined Ms. Vencill’s burn injuries promptly after the incident and periodically thereafter assessed her condition, monitored her care, and provided appropriate treatment;
- b. In failing to ensure that the facility’s wound care nurse was advised of the burns and involved in Ms. Vencill’s course of treatment and care by conducting proper, in person, examinations and assessments;
- c. In failing to effectively and consistently treat Ms. Vencill’s severe burns to her inner thighs and abdomen;
- d. In suspending or ceasing treatment of Ms. Vencill’s burn injuries when they clearly were not healed;
- e. In failing to secure timely wound care evaluation and treatment from a wound care specialist for the severe burn injuries;
- f. In failing to properly train staff and have proper policies and procedures in place regarding service of hot beverages to patients;
- g. In failing to train staff and maintain proper policies and procedures regarding implementation of third party physician orders or, if such policies were maintained, in failing to comply with them;
- h. In failing to ensure that the wound care specialist’s treatment orders were properly communicated, documented, and implemented by Heartland staff;
- i. In failing to follow its own policies and procedures as well as state law; and
- j. In such other respects as may be ascertained through discovery procedures undertaken pursuant to the South Carolina Rules of Civil Procedure.

17. Plaintiff is informed and believes that as a direct and proximate result of the negligence, recklessness, willfulness, wantonness, gross negligence, and departures from the professional standards of care by Defendants, as aforesaid, Plaintiff suffered serious bodily injury including severe burns to her inner thighs and abdomen. These injuries have resulted in medical treatment and bills, disability, extreme pain and suffering, mental and emotional distress

and anguish, physical impairment, and loss of enjoyment of life, by virtue of which Plaintiff is entitled to an award of actual and punitive damages in an amount to be ascertained by the jury at the trial of this action.

WHEREFORE, the Plaintiff prays for judgment against the Defendants for actual and punitive damages in an amount to be determined by the jury at the trial of this action, for the costs and disbursements of this action, and for such other and further relief as this Court may deem just and proper.

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November 18, 2015

Columbia, South Carolina.